

109TH CONGRESS
1ST SESSION

H. R. 1595

To implement the recommendations of the Guam War Claims Review
Commission.

IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 2005

Ms. BORDALLO (for herself, Mr. RAHALL, Mr. SENSENBRENNER, Mr. CONYERS, Mr. YOUNG of Alaska, Mr. SKELTON, Mr. BURTON of Indiana, Mr. LANTOS, Mr. JONES of North Carolina, Mr. HONDA, Mr. FLAKE, Mr. EVANS, Mr. RENZI, Ms. VELÁZQUEZ, Mr. FORTUÑO, Mr. GEORGE MILLER of California, Mr. ISSA, Mr. SCOTT of Virginia, Mr. MILLER of Florida, Ms. ZOE LOFGREN of California, Mr. FALEOMAVAEGA, Mr. ABERCROMBIE, Mr. WILSON of South Carolina, Mr. ORTIZ, Mr. ALEXANDER, Mrs. CHRISTENSEN, Mr. REHBERG, Mr. KIND, Mrs. NAPOLITANO, Mr. UDALL of New Mexico, Mr. GRIJALVA, Mr. CARDOZA, Mr. TOWNS, Mr. PAYNE, Ms. NORTON, Mr. BECERRA, Mr. HASTINGS of Florida, Mr. HOLDEN, Ms. BERKLEY, Mr. CROWLEY, Ms. SCHAKOWSKY, Mr. LANGEVIN, Ms. SOLIS, Mr. WU, Ms. WATSON, Mr. CASE, Mr. SCOTT of Georgia, and Ms. MATSUI) introduced the following bill; which was referred to the Committee on Resources

A BILL

To implement the recommendations of the Guam War Claims
Review Commission.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Guam World War II Loyalty Recognition Act”.

4 (b) TABLE OF CONTENTS.—The table of contents of
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Purposes.
- Sec. 3. Recognition of the suffering and loyalty of the residents of Guam.
- Sec. 4. Definitions.
- Sec. 5. Guam World War II Loyalty Recognition Fund.
- Sec. 6. Payments for death.
- Sec. 7. Payments for personal injury, forced labor, forced march, and internment.
- Sec. 8. Adjudication.
- Sec. 9. Guam World War II Remembrance Trust Fund.
- Sec. 10. Authorization of appropriations.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are to—

8 (1) acknowledge the suffering of the residents
9 of Guam as a result of the occupation of Guam in
10 World War II by Imperial Japanese military forces;

11 (2) acknowledge the steadfast loyalty to the
12 United States of the residents of Guam as a result
13 of the occupation of Guam in World War II by Im-
14 perial Japanese military forces;

15 (3) compensate surviving relatives for the
16 deaths of residents of Guam as a result of the occu-
17 pation of Guam in World War II by Imperial Japa-
18 nese military forces;

19 (4) compensate persons who themselves suf-
20 fered personal injury (including rape and malnutri-

1 tion), forced labor, forced march, or internment as
2 a result of the occupation of Guam in World War II
3 by Imperial Japanese military forces; and

4 (5) establish a trust fund to sponsor research
5 and educational activities regarding the wartime oc-
6 cupation and liberation of Guam, scholarships, med-
7 ical facilities, and other benefits for the people of
8 Guam.

9 **SEC. 3. RECOGNITION OF THE SUFFERING AND LOYALTY**
10 **OF THE RESIDENTS OF GUAM.**

11 (a) RECOGNITION OF THE SUFFERING OF THE RESI-
12 DENTS OF GUAM.—The United States of America recog-
13 nizes that, as described by the Guam War Claims Review
14 Commission, the residents of Guam, on account of their
15 United States nationality, suffered unspeakable harm as
16 a result of the occupation of Guam by Imperial Japanese
17 military forces during World War II, by being subjected
18 to death, personal injury (including rape and malnutri-
19 tion), forced labor, forced march, or internment.

20 (b) RECOGNITION OF THE LOYALTY OF THE RESI-
21 DENTS OF GUAM.—The United States of America forever
22 will be grateful to the residents of Guam for their stead-
23 fast loyalty to the United States of America, as dem-
24 onstrated by the countless acts of courage they performed
25 despite the threat of death or great bodily harm they faced

1 at the hands of the Imperial Japanese military forces that
2 occupied Guam during World War II.

3 **SEC. 4. DEFINITIONS.**

4 In this Act—

5 (1) SECRETARY.—The term “Secretary” means
6 the Secretary of the Interior.

7 (2) COMMISSION.—The term “Commission”
8 means the Guam World War II Loyalty Recognition
9 Commission established under section 8(a)(1).

10 (3) FUND.—The term “Fund” means the
11 Guam World War II Loyalty Recognition Fund es-
12 tablished under section 5(a).

13 (4) TRUST FUND.—The term “Trust Fund”
14 means the Guam World War II Remembrance Trust
15 Fund established under section 9(a).

16 (5) ELIGIBLE SURVIVOR.—The term “eligible
17 survivor”—

18 (A) as used in section 6, means the spouse,
19 child, or parent, respectively in this order of
20 priority, who is identified as an eligible suc-
21 cessor claimant in section 5(d) of title I of the
22 War Claims Act of 1948 (50 U.S.C. App.
23 2004(d)); and

(B) as used in section 7, means the spouse, child, or parent, respectively in this order of priority—

(i) who is identified as an eligible successor claimant in section 5(d) of title I of the War Claims Act of 1948 (50 U.S.C. App. 2004(d)); and

(ii) who is living in the year 1990.

**SEC. 5. GUAM WORLD WAR II LOYALTY RECOGNITION
FUND.**

(a) ESTABLISHMENT.—There shall be established in the Treasury of the United States the Guam World War II Loyalty Recognition Fund.

(b) REPORTS.—The Secretary shall report to Congress, not later than 60 days after the end of each fiscal year, on the financial condition of the Fund and the results of operations of the Fund during the preceding fiscal year, and on the expected financial condition and operations of the the Fund during the current fiscal year.

(c) INVESTMENTS.—Amounts in the Fund shall be invested in accordance with section 9702 of title 31, United States Code.

(d) TERMINATION.—The Secretary shall terminate the Fund three years after the date of the enactment of this Act, or one year following the disbursement of all pay-

1 ments from the Fund, as authorized by this Act, whichever
2 occurs later. On the date the Fund is terminated, all in-
3 vestments of amounts in the Fund shall be liquidated by
4 the Secretary and the proceeds thereof deposited in the
5 Fund, and all moneys remaining in the Fund shall be de-
6 posited in the miscellaneous receipts account in the Treas-
7 ury.

8 **SEC. 6. PAYMENTS FOR DEATH.**

9 The Secretary shall, subject to the availability of
10 funds appropriated for the Fund and after receipt of cer-
11 tification pursuant to section 8(b)(7), pay the sum of
12 \$25,000 for distribution to the eligible survivor or among
13 the eligible survivors of each resident of Guam who died
14 or was killed as a result of the attack and occupation of
15 Guam by Imperial Japanese military forces during World
16 War II, or incident to the liberation of Guam by United
17 States military forces, and whose death would have been
18 compensable under the Guam Meritorious Claims Act of
19 1945 (Public Law 79–224) and the implementing regula-
20 tions issued by the United States Navy pursuant thereto.

21 **SEC. 7. PAYMENTS FOR PERSONAL INJURY, FORCED**
22 **LABOR, FORCED MARCH, AND INTERNMENT.**

23 The Secretary of the Interior shall, subject to the
24 availability of funds appropriated for the Fund and after
25 receipt of certification pursuant to section 8(b)(7), pay the

1 sum of \$12,000 to each person, or to the eligible survivor
2 or among the eligible survivors of such person, who suf-
3 fered, as a result of the attack and occupation of Guam
4 by Imperial Japanese military forces during World War
5 II, or incident to the liberation of Guam by United States
6 military forces, one or more of the following:

7 (1) Personal injury (including rape and mal-
8 nutrition).

9 (2) Forced labor.

10 (3) Forced march.

11 (4) Internment.

12 (5) Hiding to evade internment.

13 **SEC. 8. ADJUDICATION.**

14 (a) GUAM WORLD WAR II LOYALTY RECOGNITION
15 COMMISSION.—

16 (1) COMMISSION ESTABLISHED.—The Foreign
17 Claims Settlement Commission of the United States
18 in the United States Department of Justice shall es-
19 tablish a commission to be known as the “Guam
20 World War II Loyalty Recognition Commission” to
21 adjudicate claims and determine eligibility for award
22 payments pursuant to sections 6 and 7.

23 (2) MEMBERSHIP AND CHAIRMAN OF COMMIS-
24 SION.—The Commission shall be composed of five
25 members, who shall be appointed by the chairman of

1 the Foreign Claims Settlement Commission, in con-
2 sultation with the Secretary, with two members ap-
3 pointed after consideration of a list of ten nominees
4 submitted by the Governor of Guam. The chairman
5 of the Foreign Claims Settlement Commission shall
6 designate one of the members of the Commission to
7 serve as chairman of the Commission.

8 (3) TERMS OF CHAIRMAN AND MEMBERS.—The
9 chairman and members of the Commission shall
10 serve at the pleasure of the chairman of the Foreign
11 Claims Settlement Commission, with any vacancy in
12 the membership of the Commission to be filled in the
13 same manner as the original appointment.

14 (4) COMPENSATION.—The chairman and mem-
15 bers of the Commission shall receive compensation
16 as provided under section 5316 of title 5, United
17 States Code, and shall receive reimbursement for
18 travel and other expenses incurred in connection
19 with their duties as members, or a per diem allow-
20 ance in lieu thereof, at a level not to exceed that pre-
21 scribed under the provisions of subchapter I of chap-
22 ter 57 of title 5, United States Code.

23 (5) STAFF OF COMMISSION; STAFF, FACILITIES,
24 AND SERVICES OF FEDERAL AGENCIES.—

1 (A) STAFF OF COMMISSION.—The Com-
2 mission may, subject to the approval of the
3 chairman of the Foreign Claims Settlement
4 Commission, appoint and fix the compensation
5 and allowances of such officers, attorneys, and
6 employees as may be reasonably necessary for
7 its proper functioning, which employees shall be
8 in addition to those who may be assigned by the
9 chairman of the Foreign Claims Settlement
10 Commission to assist the Commission in car-
11 rying out its functions. The Commission may
12 also delegate functions to any member, officer,
13 or employee of the Commission. The compensa-
14 tion of officers, attorneys, and employees ap-
15 pointed pursuant to this subsection shall be set
16 in accordance with subchapter III of chapter 53
17 of title 5, United States Code, and they shall
18 receive reimbursement for travel and other ex-
19 penses incurred in connection with their duties,
20 or a per diem allowance in lieu thereof at a
21 level not to exceed the amount of allowances
22 prescribed under the provisions of subchapter I
23 of chapter 57 of title 5, United States Code.

24 (B) STAFF, FACILITIES, AND SERVICES OF
25 FEDERAL AGENCIES.—Officers and employees

1 of any other department or agency of the Gov-
2 ernment of the United States or the Govern-
3 ment of Guam may, with the consent of the
4 head of such department or agency, with or
5 without reimbursement, be assigned to assist
6 the Commission in carrying out its functions.
7 The Commission may, with the consent of the
8 head of any other department or agency of the
9 Government of the United States or the Gov-
10 ernment of Guam, utilize, with or without reim-
11 bursement, a facility or service of such depart-
12 ment or agency in carrying out the functions of
13 the Commission.

14 (6) RULES AND REGULATIONS.—The Commis-
15 sion shall prescribe such rules and regulations as
16 may be necessary to enable it to carry out its func-
17 tions. Such rules and regulations shall be published
18 in the Federal Register.

19 (7) EXPENDITURE OF FUNDS PERMITTED.—
20 Subject to the general supervision of the chairman
21 of the Foreign Claims Settlement Commission, and
22 subject to the availability of the funds appropriated
23 for payment of the expenses of the Commission pur-
24 suant to section 10 of this Act, the Commission may

1 expend such funds as may be reasonably necessary
2 to enable it to carry out its functions.

3 (b) CLAIMS SUBMITTED FOR GUAM WORLD WAR II
4 LOYALTY RECOGNITION FUND.—

5 (1) FILING PERIOD FOR CLAIMS AND NOTICE.—

6 All claims for a payment described under section 6
7 or 7 shall be filed within one year of the publishing
8 of public notice in the Federal Register. In addition,
9 public notice of the deadline for filing claims shall
10 be published in newspaper, radio, and television
11 media on Guam.

12 (2) ADJUDICATORY DECISIONS.—The decision
13 of the Commission on each claim shall be by major-
14 ity vote, shall be in writing, and shall state the rea-
15 sons for the approval or denial of the claim. If ap-
16 proved, the decision shall also state the amount
17 awarded and the distribution, if any, to be made of
18 the award.

19 (3) DEDUCTIONS IN PAYMENT.—The Commis-
20 sion shall deduct, from potential awards, amounts
21 previously paid under the Guam Meritorious Claims
22 Act of 1945 (Public Law 79–224), if the previous
23 amounts were of \$1,000 or more in the case of
24 awards for death, or of \$500 or more in the case of
25 awards for personal injury.

1 (4) INTEREST.—No interest shall be paid on
2 amounts awarded by the Commission.

3 (5) REMUNERATION PROHIBITED.—No remun-
4 eration on account of representational services ren-
5 dered on behalf of any claimant in connection with
6 any claim filed with the Commission under this Act
7 shall exceed one per centum of the total amount
8 paid pursuant to any award certified under the pro-
9 visions of this Act on account of such claim. Any
10 agreement to the contrary shall be unlawful and
11 void. Whoever demands or receives, on account of
12 services so rendered, any remuneration in excess of
13 the maximum permitted by this section shall be
14 fined not more than \$5,000 or imprisoned not more
15 than twelve months, or both.

16 (6) APPEALS AND FINALITY.—Objections and
17 appeals of decisions of the Commission shall be to
18 the Commission, and upon rehearing, the decision in
19 each claim shall be final, and not subject to further
20 review by any court or agency.

21 (7) CERTIFICATION FOR PAYMENT.—After a
22 decision approving a claim becomes final, the chair-
23 man of the Commission shall certify it to the Sec-
24 retary for authorization of an award payment de-
25 scribed under section 6 or 7, as applicable.

1 (8) RELEASE OF RELATED CLAIMS.—Accept-
2 ance of payment by an eligible individual shall be in
3 full satisfaction of all claims arising under the Guam
4 Meritorious Claims Act of 1945 (Public Law 79–
5 224), the implementing regulations issued by the
6 United States Navy pursuant thereto, and this Act.

7 **SEC. 9. GUAM WORLD WAR II REMEMBRANCE TRUST FUND.**

8 (a) REQUIREMENT TO ESTABLISH TRUST FUND.—
9 The Secretary shall establish a non-profit corporation in-
10 corporated under the laws of Guam to be known as the
11 “Guam World War II Remembrance Trust Fund”.

12 (b) PURPOSES OF TRUST FUND.—The Trust Fund
13 shall be used to—

14 (1) receive funds that result from the following
15 processes—

16 (A) within 90 days after the filing period
17 described under section 8(b)(1), the Trust
18 Fund is subrogated to the rights before the
19 Commission of any person who, while eligible to
20 submit a claim for a payment described under
21 section 6 or 7, failed to file such a claim;

22 (B) the Trust Fund is subrogated to the
23 rights of any person to receive an award from
24 the Commission if that person states his or her

1 refusal in writing and files it with the Trust
2 Fund; and

3 (C) the Trust Fund shall receive from the
4 United States Treasury the proceeds of each
5 check issued against the Fund that has not
6 been cashed after one year from the date of
7 issuance of such check;

8 (2) sponsor research, educational, and media
9 activities, so that the events surrounding the World
10 War II occupation of Guam by Imperial Japanese
11 military forces and liberation of Guam by United
12 States military forces, as well as the loyalty of the
13 people of Guam, will be remembered, and so that the
14 causes and circumstances of this and other wartime
15 events may be illuminated and understood;

16 (3) grant scholarships;

17 (4) provide medical facilities to treat the med-
18 ical and mental needs of residents of Guam who sur-
19 vived the World War II occupation of Guam by Im-
20 perial Japanese military forces; and

21 (5) undertake such other public projects, con-
22 sistent with the foregoing, that would benefit the
23 people of Guam.

24 (c) BOARD OF DIRECTORS.—

1 (1) MEMBERSHIP AND APPOINTMENT.—The
2 board of directors of the corporation shall consist of
3 three persons appointed by the Secretary for stag-
4 gered three-year terms from lists of up to five nomi-
5 nees each that may be submitted by the Governor of
6 Guam, the Speaker of the Legislature of Guam, and
7 the Chief Justice of the Supreme Court of Guam.
8 All of the nominees shall be residents of Guam, and,
9 for the first 10 years of the life of the Trust Fund,
10 shall be persons who lived in Guam during the
11 World War II occupation of Guam by Imperial Jap-
12 anese military forces.

13 (2) MEETINGS AND COMPENSATION.—The
14 board of directors shall meet one day every three
15 months to conduct Trust Fund business, with each
16 member being paid \$100 for each such meeting.

17 (d) EXECUTIVE DIRECTOR; SECRETARY-TREAS-
18 URER.—The Trust Fund may hire an Executive Director
19 and a Secretary-Treasurer of the Trust Fund.

20 (e) TERMINATION.—At any time later than two years
21 after the conclusion of all adjudications by the Commis-
22 sion, the Trust Fund shall terminate if the value of the
23 assets of the Trust Fund is less than \$250,000. The ter-
24 mination date of the Trust Fund shall be that date which
25 is three months after the date on which the value is less

1 than \$250,000. On the date the Trust Fund is terminated,
2 all investments of amounts in the Trust Fund shall be liq-
3 uidated by the Secretary and the proceeds thereof depos-
4 ited in the miscellaneous receipts account in the Treasury.

5 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

6 There are authorized to be appropriated such sums
7 as may be necessary to pay amounts awarded under this
8 Act and to pay the expenses of the Commission.

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